

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTONIO L. DOYLE,

Plaintiff,

v.

JAMES DZURENDA, et al.,

Defendants.

Case No.: 3:23-cv-00514-ART-CSD

ORDER

(ECF No. 1)

On October 23, 2023, pro se plaintiff Antonio L. Doyle, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff did not include a complete inmate trust fund account statement for the previous six-month period with the application. Plaintiff included only the last page of an inmate trust fund account statement, rather than the full six-month accounting. Furthermore, the Court notes that Plaintiff's financial certificate is very difficult to read. It is not clear whether this is because of the original document or some issue with it being filed. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by January 19, 2023**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly

1 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is
 2 page 4 of the Court's approved form, that is properly signed by both the inmate and a
 3 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**
 4 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
 5 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
 6 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
 7 See 28 U.S.C. § 1915(b).

8 As explained above, Plaintiff's application to proceed *in forma pauperis* is
 9 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
 10 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
 11 fee or file a new fully complete application to proceed *in forma pauperis* with all three
 12 required documents.

13 II. CONCLUSION

14 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
 15 is denied without prejudice.

16 It is further ordered that Plaintiff has **until January 19, 2024**, to either pay the full
 17 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with
 18 all three required documents: (1) a completed application with the inmate's two signatures
 19 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
 20 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
 21 previous six-month period.

22 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
 23 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
 24 to refile the case with the Court, under a new case number, when Plaintiff can file a
 25 complete application to proceed *in forma pauperis* or pay the required filing fee.

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1 The Clerk of the Court is directed to send Plaintiff Antonio L. Doyle the approved
2 form application to proceed *in forma pauperis* for an inmate and instructions for the same
3 and retain the complaint (ECF No. 1-1) but not file it at this time.

4 DATED THIS 15th day of November 2023.

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8 UNITED STATES MAGISTRATE JUDGE